

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 1, 4, 9-11, 13-15, and 17-20, as amended, will be pending.

In order to materially expedite prosecution and place the application in condition for allowance, each of claims 1, 19 and 20 are amended to clarify that the lubricant component of the Applicants' refrigerant lubricant composition consists essentially of synthetic lubricant which may be a polyol ester and/or a polyalkylene glycol. In this manner, the pending claims more particular exclude the hydrocarbon based lubricants which are the essential lubricant of the compositions of the newly applied U.S. 5,866,030 (the '030 patent).

Claim 10 is also amended to correct the erroneously transcribed formula as well as to identify the listed compounds of formula (II) with the polyol ester and/or polyalkylene glycol.

Accordingly, none of the amendments introduce new matter into the Application.

Furthermore, the claim amendments could not have been earlier presented since the '030 patent was not previously applied in a rejection of the claims. It is further noted that claims 19 and 20 already used closed-ended terminology for the lubricant component. As such, it is also submitted that the proposed claim amendments do not introduce new issues or require additional searching. Therefore, entry of the Amendments after Final Rejection, is respectfully requested.

The claim amendments address the Examiner's statement on Page 3 that the "open-ended claim language 'comprising' and 'containing' allow for the addition of other additives to the composition such as the hydrocarbon lubricant component of the prior art." Since this is no longer the case, the rationale for the rejection of the pending claims as unpatentably obvious (35 USC 103(a)) over Reyes-Gavilan (the '030 patent), is no longer applicable and, for this reason alone, withdrawal of the rejection and passage of the application to issue is earnestly solicited.

While the present claims more particularly distinguish over the '030 patent, thereby warranting withdrawal of the rejection for this reason alone, it is further respectfully submitted that even without the present claim amendments, the disclosure of the '030 patent

does not provide evidence that the rejected claims would have been *prima facie* obvious at the time the invention was made.

In this regard, the Examiner is requested to note that according to the '030 patent a fluid refrigeration composition comprises a hydrocarbon lubricant (e.g., mineral oil), an immiscible refrigerant and a specific additive capable of reducing the interfacial tension between the hydrocarbon and the immiscible refrigerant. By this expedient, the patentees facilitate oil return to the compressor by making the refrigerant and hydrocarbon lubricant more dispersible with each other, allowing the refrigerant to wash the lubricant off the inner surfaces of the heat exchangers (*see*, col. 3, lines 51-60).

The '030 patent does not, however, address the problem of blockage due to the presence of foreign bodies in the recirculating refrigerant and does not describe a lubricant composition capable of solving or minimizing this problem. Similarly, there is no disclosure of a method of inhibiting deposition of or removing unwanted residues in a refrigeration system.

In any case, the additives disclosed in the '030 patent, e.g., 2,4,7,9-tetramethyl-5-decyne-4,7-diol do not suggest the use of an amphiphilic anti-redeposition agent which is anionic and contains a non-polar part to the molecule which contains a fluorocarbon group. Claims 1, 4, 9-11, 13-15 and 17-20 would not have been *prima facie* obvious over the disclosure of the '030 patent.

It is still further noted that there is no disclosure in the '030 patent of an amphiphilic anti-deposition component which is an alkyl alkoxylate derived from an alkylene oxide and a moiety derived from a compound having an active hydrogen atom and an oleophilic moiety, an ester of a polyalkylene glycol or a fluorinated polyether. Similarly, there is no disclosure in the '030 patent of an amphiphilic anti-deposition component which is a dialkylsulphonsuccinate, a salt thereof, a fluoroaliphatic polymeric ester, a comb graft copolymer of methyl methacrylate/methacrylic acid/methoxy polyethyleneoxide methacrylate, or a solution of an acrylic graft copolymer.

Therefore, for these additional reasons, claims 19 and 20 are separately patentable over the '030 patent.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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Date: November 7, 2003